

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

)	Case No. _____
)	
Plaintiff(s),)	
)	
vs.)	ORDER ON
)	FINAL PRETRIAL
)	CONFERENCE
)	
)	
Defendant(s).)	
)	

A final pretrial conference was held on the _____ day of _____, 20__.

Appearing for the parties as counsel were:

[List the counsel who will attend the pretrial conference.]

(A) Exhibits. See attached Exhibit List.

Caution: Upon express approval of the judge holding the pretrial conference for good cause shown, the parties may be authorized to defer listing of exhibits or objections until a later date to be specified by the judge holding the pretrial conference. The mere listing of an exhibit on an exhibit list by a party does not mean it can be offered into evidence by the adverse party without all necessary evidentiary prerequisites being met.

(B) Uncontroverted Facts. The parties have agreed that the following may be accepted as established facts for purposes of this case only:

[State in detail all uncontroverted facts, including those which are to be stipulated, in such form that the statement may be read to the jury.]

(C) Controverted and Unresolved Issues. The issues remaining to be determined and unresolved matters for the court’s attention are:

[List all legal issues remaining to be determined, setting out in detail each element of the claim or defense which is genuinely controverted (including issues on the merits and issues of jurisdiction, venue, joinder, validity of appointment of a representative of a party, class action, substitution of parties, attorney’s fee and applicable law under which it is claimed, and prejudgment interest). Specify any special damages or permanent injuries claimed. In any negligence action, specify elements of negligence and contributory negligence, if any. Any other unresolved matters requiring the court’s attention, such as possible consolidation for trial, bifurcated trials on specified issues, and pending motions, shall also be listed.]

(D) Witnesses. All witnesses, including rebuttal witnesses, expected to be called to testify by plaintiff, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

[List names and complete addresses of all persons who will testify in person only. Such list shall identify those witnesses the party expects to be present and those witnesses the party may call if the need arises, and shall also identify, by placing an “(F)” following the name, each witness whose only testimony is intended to establish foundation for an exhibit for which foundation has not been waived.]

All witnesses expected to be called to testify by defendant, except those who may be called for impeachment purposes as defined in NECivR 16.2(c) only, are:

[Same instructions as above.]

It is understood that, except upon a showing of good cause, no witness whose name and address does not appear herein shall be permitted to testify over objection for any purpose except impeachment. A witness whose only testimony is intended to establish foundation for an exhibit for which foundation has not been waived shall not be permitted to testify for any other purpose, over objection, unless such witness has been disclosed pursuant to Federal Rule of Civil Procedure 26(a)(3). A witness appearing on any party's witness list may be called by any other party.

(E) Expert Witnesses' Qualifications. Experts to be called by plaintiff and their qualifications are:

[Set out the qualifications of each person expected to be called as an expert witness. A curriculum vitae or resume may be attached in lieu of setting out the qualifications.]

Experts to be called by defendant and their qualifications are:

[Same instructions as above.]

(F) Depositions and Other Discovery Documents. The plaintiff expects to offer the following depositions and other discovery documents as part of the plaintiff's case-in-chief:

[List portions of depositions (by page and line number), answers to written interrogatories, and requests for admissions.]

Objections by the defendant are:

[List all objections including those under Fed. R. Civ. P. 32(a) or the Federal Rules of Evidence.]

Caution: Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403, shall be deemed waived unless excused by the court for good cause shown.

The defendant expects to offer the following depositions and other discovery documents as part of the defendant's case-in-chief:

[List portions of depositions (by page and line number), answers to written interrogatories, and requests for admissions.]

Objections by the plaintiff are:

[List all objections including those under Fed. R. Civ. P. 32(a) or the Federal Rules of Evidence.]

Caution: Objections not so disclosed, other than objections under Federal Rules of Evidence 402 and 403, shall be deemed waived unless excused by the court for good cause shown.

(G) Voir Dire. Counsel have reviewed Federal Rule of Civil Procedure 47(a) and NECivR 47.2(a) and suggest the following with regard to the conduct of juror examination:

[State any special requests.]

(H) Number of Jurors. Counsel have reviewed Federal Rule of Civil Procedure 48 and NECivR 48.1 and suggest that this matter be tried to a jury composed of _____ members.

(I) Verdict. The parties [will] [will not] stipulate to a less-than-unanimous verdict. (If applicable), the parties' stipulation is: _____.

(J) Briefs, Instructions, and Proposed Findings. Counsel have reviewed NECivR 39.2(a), 51.1(a), and 52.1, and suggest the following schedule for filing trial briefs, proposed jury instructions, and proposed findings of fact, as applicable:

[State any special requests. Unless otherwise ordered, trial briefs, proposed jury instructions, and proposed findings of fact shall be filed five (5) working days before the first day of trial.]

(K) Length of Trial. Counsel estimate the length of trial will consume not less than _____ day(s), not more than _____ day(s), and probably about _____ day(s).

(L) Trial Date. Trial is set for _____.

[Signature block for plaintiff's counsel.]

[Signature block for defendant's counsel.]

BY THE COURT:
